

§ 59.407

Volume of Virgin Materials = The volume, in liters, of virgin coating materials used in the production of a recycled coating.

(b) To determine the composition of a coating in order to perform the calculations in paragraph (a) of this section, the reference method for VOC content is Method 24 of appendix A of 40 CFR part 60, except as provided in paragraphs (c) and (d) of this section. To determine the VOC content of a coating, the manufacturer or importer may use Method 24 of appendix A of 40 CFR part 60, an alternative method as provided in paragraph (c) of this section, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except as provided in paragraph (c) of this section. The Administrator may require the manufacturer or importer to conduct a Method 24 analysis.

(c) The Administrator may approve, on a case-by-case basis, a manufacturer's or importer's use of an alternative method in lieu of Method 24 for determining the VOC content of coatings if the alternative method is demonstrated to the Administrator's satisfaction to provide results that are acceptable for purposes of determining compliance with this subpart.

(d) Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to the procedures specified in appendix A to this subpart. Appendix A to this subpart is a modification of Method 24 of appendix A of 40 CFR part 60. The modification of Method 24 provided in appendix A to this subpart has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

(e) The Administrator may determine a manufacturer's or importer's compliance with the provisions of this subpart based on information required by this subpart (including the records and reports required by §§ 59.407 and 59.408

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of this subpart) or any other information available to the Administrator.

§ 59.407 Recordkeeping requirements.

(a) Each manufacturer and importer using the provisions of § 59.406(a)(3) of this subpart to determine the VOC content of a recycled coating shall maintain in written or electronic form records of the information specified in paragraphs (a)(1) through (a)(6) of this section for a period of 3 years.

(1) The minimum volume percent post-consumer coating content for each recycled coating.

(2) The volume of post-consumer coating received for recycling.

(3) The volume of post-consumer coating received that was unusable.

(4) The volume of virgin materials.

(5) The volume of the final recycled coating manufactured or imported.

(6) Calculations of the adjusted VOC content as determined using equation 7 in § 59.406(a)(3) of this subpart for each recycled coating.

(b) Each manufacturer and importer using the exceedance fee provisions in § 59.403 of this subpart, as an alternative to achieving the VOC content limits in table 1 of this subpart, shall maintain in written or electronic form the records specified in paragraphs (b)(1) through (b)(7) of this section for a period of 3 years.

(1) A list of the coatings and the associated coating categories in table 1 of this subpart for which the exceedance fee is used.

(2) Calculations of the annual fee for each coating and the total annual fee for all coatings using the procedure in § 59.403 (b) and (c) of this subpart.

(3) The VOC content of each coating in grams of VOC per liter of coating.

(4) The excess VOC content of each coating in grams of VOC per liter of coating.

(5) The total volume of each coating manufactured or imported per calendar year, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases.

(6) The annual fee for each coating.

(7) The total annual fee for all coatings.

(c) Each manufacturer and importer claiming the tonnage exemption in

§ 59.404 of this subpart shall maintain in written or electronic form the records specified in paragraphs (c)(1) through (c)(4) of this section for a period of 3 years.

(1) A list of all coatings and associated coating categories in table 1 of this subpart for which the exemption is claimed.

(2) The VOC amount as used in equation 4.

(3) The volume manufactured or imported, in liters, for each coating for which the exemption is claimed for the time period the exemption is claimed.

(4) The total megagrams of VOC contained in each coating for which the exemption is claimed, and for all coatings combined for which the exemption is claimed, for the time period the exemption is claimed, as calculated in § 59.404(b) of this subpart.

[63 FR 48877, Sept. 11, 1998; 64 FR 35001, June 30, 1999]

§ 59.408 Reporting requirements.

(a) Each manufacturer and importer of any architectural coating subject to the provisions of this subpart shall submit reports and exceedance fees specified in this section to the appropriate address as listed in § 59.409 of this subpart.

(b) Each manufacturer and importer of any architectural coating subject to the provisions of this subpart shall submit an initial notification report no later than the applicable compliance date specified in § 59.400, or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later. The initial report must include the information in paragraphs (b)(1) through (b)(3) of this section.

(1) The name and mailing address of the manufacturer or importer.

(2) The street address of each one of the manufacturer's or importer's facilities in the United States that is producing, packaging, or repackaging any architectural coating subject to the provisions of this subpart.

(3) A list of the categories from table 1 of this subpart for which the manufacturer's or importer's coatings meet the definitions in § 59.401 of this subpart.

(4) If a date code is used on a coating container to represent the date a coating was manufactured, as allowed in § 59.405(a)(1) of this subpart, the manufacturer or importer of the coating shall include an explanation of each date code in the initial notification report and shall submit an explanation of any new date code no later than 30 days after the new date code is first used on the container for a coating.

(c) Each manufacturer and importer of a recycled coating that chooses to determine the adjusted VOC content according to the provisions of § 59.406(a)(3) to demonstrate compliance with the applicable VOC content limit in table 1 of this subpart shall submit a report containing the information in paragraphs (c)(1) through (c)(5) of this section. The report must be submitted for each coating for which the adjusted VOC content is used to demonstrate compliance. This report must be submitted by March 1 of the year following any calendar year in which the adjusted VOC content provision is used.

(1) The minimum volume percent post-consumer coating content for each recycled coating.

(2) The volume of post-consumer coating received for recycling.

(3) The volume of post-consumer coating received that was unusable.

(4) The volume of virgin materials used.

(5) The volume of the final recycled coating manufactured or imported.

(d) Each manufacturer and importer that uses the exceedance fee provisions of § 59.403 of this subpart shall report the information in paragraphs (d)(1) through (d)(7) of this section for each coating for which the exceedance fee provisions are used. This report and the exceedance fee payment must be submitted by March 1 following the calendar year in which the coating is manufactured or imported.

(1) Manufacturer's or importer's name and mailing address.

(2) A list of all coatings and the associated coating categories in table 1 of this subpart for which the exceedance fee provision is being used.

(3) The VOC content of each coating that exceeds the applicable VOC content limit in table 1 of this subpart.